

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

GEORGE WISHART,

Plaintiff,

AMENDED  
SCHEDULING ORDER  
19-CV-6189-DGL-MJP

vs.

CORRECTION OFFICER PETER WELKLEY,  
et al.

Defendant.

---

On May 31, 2023, the parties wrote to the Court to extend the deadlines in this case because the parties need to finish depositions and to review the voluminous ESI in this case. As the parties have shown good cause, it is

ORDERED that:

1. All factual discovery in this case shall be completed on or before **July 31, 2023**.
2. Dispositive motions, if any, shall be filed no later than **September 29, 2023**. Unless a consent to proceed before this Court is filed, such motions shall be made returnable before Judge Larimer.
3. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be

determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall immediately contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- a. Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- b. Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- c. Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- d. Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

4. Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date, and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.
5. The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

SO ORDERED.

DATED:

June 5, 2023  
Rochester, New York

  
\_\_\_\_\_  
MARK W. PEDERSEN  
United States Magistrate Judge